

SUBSTITUTE FOR  
HOUSE BILL NO. 5117

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
(MCL 257.1 to 257.923) by adding section 602b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       SEC. 602B. (1) A PERSON SHALL NOT READ, WRITE, OR SEND A TEXT  
2 MESSAGE ON A WIRELESS 2-WAY COMMUNICATION DEVICE THAT IS LOCATED IN  
3 THE PERSON'S HAND OR IN THE PERSON'S LAP, INCLUDING A WIRELESS  
4 TELEPHONE USED IN CELLULAR TELEPHONE SERVICE OR PERSONAL  
5 COMMUNICATION SERVICE, WHILE OPERATING A MOTOR VEHICLE THAT IS  
6 MOVING ON A HIGHWAY OR STREET IN THIS STATE. AS USED IN THIS  
7 SUBSECTION, A WIRELESS 2-WAY COMMUNICATION DEVICE DOES NOT INCLUDE  
8 A GLOBAL POSITIONING OR NAVIGATION SYSTEM THAT IS AFFIXED TO THE  
9 MOTOR VEHICLE.

1           (2) SUBSECTION (1) DOES NOT APPLY TO AN INDIVIDUAL WHO IS  
2 USING A DEVICE DESCRIBED IN SUBSECTION (1) TO DO ANY OF THE  
3 FOLLOWING:

4           (A) REPORT A TRAFFIC ACCIDENT, MEDICAL EMERGENCY, OR SERIOUS  
5 ROAD HAZARD.

6           (B) REPORT A SITUATION IN WHICH THE PERSON BELIEVES HIS OR HER  
7 PERSONAL SAFETY IS IN JEOPARDY.

8           (C) REPORT OR AVERT THE PERPETRATION OR POTENTIAL PERPETRATION  
9 OF A CRIMINAL ACT AGAINST THE INDIVIDUAL OR ANOTHER PERSON.

10           (D) CARRY OUT OFFICIAL DUTIES AS A POLICE OFFICER, LAW  
11 ENFORCEMENT OFFICIAL, MEMBER OF A PAID OR VOLUNTEER FIRE  
12 DEPARTMENT, OR OPERATOR OF AN EMERGENCY VEHICLE.

13           (3) ENFORCEMENT OF THIS SECTION BY STATE OR LOCAL LAW  
14 ENFORCEMENT AGENCIES SHALL BE ACCOMPLISHED ONLY AS A SECONDARY  
15 ACTION WHEN THE OPERATOR OF A MOTOR VEHICLE HAS BEEN DETAINED FOR A  
16 SUSPECTED VIOLATION OF ANOTHER SECTION OF THIS ACT.

17           (4) AN INDIVIDUAL WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR  
18 A CIVIL INFRACTION.

19           (5) IF A LOCAL UNIT OF GOVERNMENT ADOPTS AN ORDINANCE  
20 SUBSTANTIALLY SIMILAR TO THIS SECTION, THE ORDINANCE SHALL INCLUDE  
21 THE SECONDARY ENFORCEMENT PROVISION IN SUBSECTION (3).

22           (6) POINTS SHALL NOT BE ASSESSED UNDER SECTION 320A FOR A  
23 VIOLATION OF THIS SECTION.

24           Enacting section 1. This amendatory act does not take effect  
25 unless House Bill No. 5396 of the 94th Legislature is enacted into  
26 law.